

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

LAURA NEAL, in her capacity as
Parent, Guardian and Next Friend
of Justin Neal, and JUSTIN NEAL

PLAINTIFFS

v. Civil No. 04-2195

JERRY EFURD, in his capacity as
Principal of Greenwood High School,
and GREEN SCHOOL DISTRICT

DEFENDANTS

and

RYAN DAVID KUHL

PLAINTIFF

v.

JERRY EFURD, in his capacity as Principal
of Greenwood High School, JIM GARVEY, in
his Capacity as Assistant Principal of
Greenwood High School, and GREENWOOD
SCHOOL DISTRICT

DEFENDANTS

J U D G M E N T

On the 5th day of January, 2005, the captioned matter came on for trial to the Court. Based on the testimony and exhibits presented at trial, the transcript of testimony and the exhibits presented at a hearing before United States Magistrate Judge Beverly Stites Jones, and the arguments of counsel in briefs and at trial -- and for reasons set forth in a Memorandum Opinion of even date herewith -- the Judgment of the Court is follows:

The Court finds that the speech of Justin Neal and Ryan Kuhl under scrutiny in this case was protected by the First Amendment; that it did not substantially disrupt the educational environment at Greenwood High School; and that it was not reasonable to expect

that it would do so.

The Court further finds that by subjecting Neal and Kuhl to punishment for the speech at issue, Jerry Efurd, in his capacity as Principal of Greenwood High School, and Greenwood School District violated rights of Justin Neal and Ryan Kuhl protected by the First Amendment.

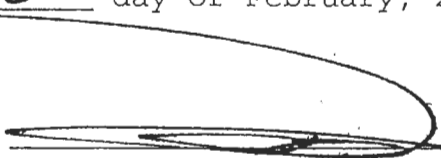
The Court finds that Jim Garvey, in his capacity as Assistant Principal of Greenwood High School, did not violate the First Amendment rights of Justin Neal or Ryan Kuhl.

IT IS THEREFORE ORDERED that Jerry Efurd, in his capacity as Principal of Greenwood High School, and Greenwood School District, are hereby permanently enjoined from punishing Justin Neal or Ryan Kuhl on the basis of the content of their websites on or before January 5, 2005. This injunction prohibits Efurd or the District (including any of its agents or employees) from placing any information in the student plaintiffs' academic records about their websites or their suspensions for those websites; making any school record of the websites or the suspensions; and commenting about the websites or suspensions to anyone who contacts the District for recommendations about the students.

IT IS FURTHER ORDERED that Jerry Efurd, in his capacity as Principal of Greenwood High School, and Greenwood School District (including its agents and employees) are permanently enjoined from punishing Justin Neal or Ryan Kuhl for anything that might be added to their websites after January 5, 2005, unless such additions can

be shown to substantially disrupt the educational process or to present a legitimate threat of substantial disruption.

IT IS SO ORDERED, this 18 day of February, 2005.


JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE

U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

FEB 18 2005

CHRIS R. JOHNSON, CLERK

BY 

DEPUTY CLERK